



April 9, 2020

Andrew Wheeler
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

VIA EMAIL

Dear Administrator Wheeler:

I thank and commend you for your leadership and direction at this unprecedented time. Your recent decisions to temporarily delay certain financial costs without lowering environmental standards is greatly appreciated. As you examine additional measures, I ask your consideration of the following:

Air

- Six-month extension to submit annual greenhouse gas reports.
- Additional time to conduct Leak Detection and Repair (LDAR) surveys under New Source Performance Standards (NSPS) Subpart OOOOa, and flexibility to allow additional time to repair once leaks are detected.
- Six-month extension of the NSPS Subpart JJJJ testing requirement for non-certified engines within 360 days of engine start-up, instead of 180 days.

Water

Water is key to health and to economic success in Wyoming. Here, 97 percent of all community water systems serve populations under 10,000. We can expect and anticipate many shortfalls in revenue for water systems adversely impacted by the virus from declining local business usage and consumers unable to pay water bills.

I am concerned that important financial assistance for many community water service providers throughout Wyoming are precluded from the provisions of the previous federal financial relief and stimulus packages. In recognition of this black-swan situation and the imperative to maintain

public drinking water and sanitation services, I urge your support, either administratively, or in the next federal coronavirus response legislative package for:

- Grants, low-interest loans and/or loans eligible for principal forgiveness to help support utility operations at a time when revenues are dropping dramatically (this could be accomplished with legislative modifications to the Clean Water/Drinking Water state revolving funds).
- Expediting emergency technical assistance to technical assistance providers like the Wyoming Association of Rural Water Systems for communities with water workforce shortages and communities experiencing immediate challenges maintaining their water or wastewater utilities.

In addition, thank you for your assistance in getting the rule delegating primacy to Wyoming for Class VI UIC to the Federal Register stage. We are hopeful that this process will be successfully completed without undue delay.

Finally, this is not specifically COVID-19 related, but I would like the opportunity to discuss Wyoming's effort to have the EPA reconsider their decision regarding the State Implementation Plan concerning regional haze. Circumstances have changed greatly since the 2014 decision. I would appreciate the opportunity for your staff, members of my office and the Wyoming Department of Environmental Quality to have a serious discussion about the benefits of rescinding that decision and accepting Wyoming's plan. It is not too late in the process to make a decision that will meet the goals of regional haze and assist Wyoming's efforts for an improved economic and environmental solution.

Again, thank you for your efforts. I look forward to hosting you in Wyoming whenever possible.

Sincerely,



Mark Gordon
Governor

MG:rl:kh

April 15, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Wheeler:

On behalf of our States, and in light of economic circumstances facing our States and the Nation as a whole, please expedite this request for a waiver of the renewable volume obligation (RVO) under the federal Renewable Fuel Standard (RFS) as authorized under Section 211(o)(7) of the Clean Air Act (CAA)(42 U.S.C. §7545(o)(7)) as amended by the Energy Independence and Security Act of 2007. Under this waiver provision for severe economic hardship, the U.S. Environmental Protection Agency (EPA) must assess the condition of the refining sector as it finds it under current circumstances; it must then determine whether the implementation of the current RVO, including costs associated with the recent tripling in the price of renewable identification numbers (RINs), present a clear threat to the industry under such circumstances; and then, upon determining whether harm inflicted on a sector as vital as refining and allied aspects of the refining supply chain, constitute an appropriate basis for granting a waiver under the cited provision.

Let us be clear: on Friday, March 13, 2020, President Trump declared a national emergency related to control of the novel coronavirus known as COVID-19. Previously, on Wednesday, March 11, 2020, the World Health Organization had declared COVID-19 a pandemic, citing impacts in over 110 countries and territories around the world. The macroeconomic impacts of COVID-19 have resulted in suppressed international demand for refined products, like motor fuels and diesel. The International Energy Agency (IEA) has cut its 2020 growth forecast for global oil demand, predicting the first quarterly contraction in more than 10 years. The IEA has also revised down the outlook for global refinery runs.¹ As the world economy responds to measures adopted to contain COVID-19, demand for refined products for air transportation, global delivery of goods, and petrochemicals decline - and any rebound of necessity will occur only after containment restores predictable economic growth. In the interim, the U.S. refining sector will face real and substantial difficulty.

Not only is EPA bound to act on this waiver request, it must do so immediately if it is to avoid the precise severe economic harm this waiver provision is designed to address. The current RVO made assumptions regarding the ability of the U.S. refining sector to blend renewable fuels that simply no longer obtain. As our country comes to grips with this national emergency, continuing to implement the current RVO imposes an added obligation that would “severely” harm the sector, and consequently harm the economy of the States and the Nation.

¹ Martin Menachery, Covid-19: Impact on refining and petrochemicals industry, *Refining & Petrochemicals*, March 1, 2020, at <https://www.refiningandpetrochemicalsme.com/petrochemicals/28211-covid-19-impact-on-refining-and-petrochemicals-industry>

In the past, EPA has failed to grant waivers at the request of Governors based on adequacy of documentation. However, current extraordinary circumstances represent a material change in condition since the last time EPA entertained such requests. To be clear, CAA does *not* require that the waiver we request be limited to situations in which the harm associated with RFS compliance is the *only* source of stress on the economy. Currently, significant harm to the energy economy is expected to result from depressed demand for transportation fuel. But the 2020 RFS compliance obligations, in their current form, risk transforming the current severe economic harm to existential harm for some of the refineries in our states. With the refining and petrochemical industries contributing some \$600 billion annually to the national economy and employing over three million industrial workers in some 33 states, a material threat to the refining sector clearly would constitute a severe economic harm to particular states, regions, and the Nation as a whole.

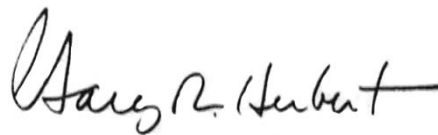
Therefore, we are formally requesting an appropriate waiver of the renewable volume obligation under the RFS consistent with Section 211(o)(7) of CAA in order to address severe economic harm compounded by the current national emergency.

We urge an expeditious answer to this request as sweeping economic impacts to industrial employment, consumer interests, and all aspects of the economy will be compounded by any delay.

Sincerely,



Governor Greg Abbott
Texas



Governor Gary Herbert
Utah



Governor Kevin Stitt
Oklahoma



Governor Mark Gordon
Wyoming